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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/297,382	04/30/1999	VINCENT LETELLIER	Q53893	9694

7590 06/04/2003

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EXAMINER

TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/297,382

Applicant(s)

LETELLIER ET AL.

Examiner

Dzung D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 03/19/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 14, 15, 21, 22, 25 and 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11-13, 16, 18-20, 23, 24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Applicant's election with traverse of species II, sub-species A, claims 9, 11-13, 16, 18-20, 23, 24, 26 and 27 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that sub-species A and B are both directed to widening the spectrum of the signal. This is not found persuasive because sub-species A discloses widening the spectrum of the signal by wavelength modulation while sub-species B discloses widening the spectrum of the signal by phase modulation. Therefore, it requires the separate search and write up would require greater burnden.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the modulation of claims 9, 16; wavelength modulation means of claims 11-12, 18-19, 23-24, 26-27; the injection current of a laser of claims 13 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 11-13, 16, 18-20, 23, 24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. U.S. patent no. 5,737,105 in view of Eskildsen et al. U.S. patent no. 5,959,750.

In considering claims 9, 13, 16 and 20 Ohta discloses an amplified (figure 3, element 33) and non-bidirectional fiber optic link (figure 3, element 31) including optical loopback (column 5, lines 50-52) of amplifiers to enable COTDR. Ohta differs from claim 9 of the present invention in that Ohta does not specific discloses optical link comprising means for widening the spectrum of the signal in at least one transmission direction, wherein said means for widening the spectrum comprises wavelength modulation means. Eskildsen discloses the wavelength modulator for widening the spectrum of the signal (figure 2, element 36, column 2, line 62 to column 3, line 21). At the time the invention was made, it would have been obvious to an artisan to include the modulator of Eskildsen in the system of Ohta. One of ordinary skill in the art would have been motivated to do this the wavelength modulator of Eskildsen offers a larger bandwidth therefore it increase the transmission capacity over the optical link.

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In considering claims 11, 12, 18, 19, 24 and 27, Ohta further discloses the modulation rate is 10 Gb/s (claims 11, 18) (figure 2, column 2, lines 62-67) which is few times greater than the bit rate of the link (claims 12, 19, 24, 27).

In considering claims 23 and 26, Ohta further discloses the modulation rate is 2.5 Gb/s (figure 1, column 3, line 32).

Response to Arguments

5. Applicant's arguments with respect to claims 9, 11-13, 16, 18-20, 23, 24, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Tran whose telephone number is (703) 305-0932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Jason Chan, can be reached on (703) 305-4729.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


LESLIE PASCAL
PRIMARY EXAMINER